

DEPARTMENT OF COMMUNITY HEALTH HEALTH LEGISLATION AND POLICY DEVELOPMENT

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(By authority conferred on the department of community health by sections 2226, 5461 to 5464, 5466, 5468 to 5470, 5473a, and 5475 to 5477 of Act No. 368 of the Public Acts of 1978, as amended, and Executive Reorganization Order No. 1996-1, being §§333.2226, 333.5461 to 333.5464, 333.5466, 333.5468 to 333.5470, 333.5473a, 333.5475 to 333.5477, and 330.3101 of the Michigan Compiled Laws)

LEAD HAZARD REMEDIATION

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R 325.9901 Scope; application; definitions.

Rule 1. (1) These rules apply to all activities defined by sections 5451 to 5477 of Act No. 368 of the Public Acts of 1978, as amended, being §§333.5451 to 333.5477 of the Michigan Compiled Laws, and referred to in these rules as the "lead abatement act."

(2) These rules provide specifications applicable to lead hazard remediation activities for all of the following:

- (a) Training curricula.
- (b) Certification requirements.
- (c) Work practice standards.
- (d) Notification requirements.

- (e) Enforcement actions.

(3) Unless the context dictates otherwise, terms defined in sections 5453 to 5460 of the lead abatement act have the same meanings when used in these rules.

R 325.9902 Training manager qualifications.

Rule 2. Each training program shall employ a training manager who has demonstrated experience, education, or training in the construction industry and has at least 1 of the following:

- (a) Not less than 2 years of experience, education, or training in teaching workers or adults.
- (b) A bachelor's or graduate degree in any of the following:
 - (i) Building construction technology.
 - (ii) Engineering.

- (iii) Industrial hygiene.
- (iv) Safety.
- (v) Public health.
- (vi) Education.
- (vii) Business administration or program management.
- (viii) A field related to any of the areas specified in this subdivision.
- (c) Two years of experience in managing a training program specializing in environmental hazards.

R 325.9903 Principal instructor qualifications.

Rule 3. A training manager shall designate a qualified principal instructor for each course session offered. A principal instructor shall possess all of the following qualifications:

- (a) Demonstrated experience, education, or training in teaching workers or adults.
- (b) Successful completion of the training course which has been accredited by EPA or EPA-authorized state or tribe, which they intend to instruct.
- (c) Demonstrated experience, education, or training in any of the following:
 - (i) Lead or asbestos abatement.
 - (ii) Painting.
 - (iii) Carpentry.
 - (iv) Renovation.
 - (v) Remodeling.
 - (vi) Occupational safety and health.
 - (vii) Industrial hygiene.

R 325.9904 Quality control plan.

Rule 4. The training manager shall develop and implement a quality control plan designed to maintain and improve the quality of the training program. The quality control plan shall contain at least both of the following elements:

- (a) Procedures for periodic revision of training materials and the course test to reflect innovations in the field.
- (b) Procedures for the training manager's annual review of each principal instructor's competence.

R 325.9905 Inspector training course curriculum requirements.

Rule 5. To become accredited to offer the lead inspector course, a training program shall ensure that its course of study includes, at a minimum, all of the following course topics:

- (a) The role and responsibilities of an inspector.
- (b) Background information on lead and its adverse health effects.
- (c) Background information on federal, state, and

local regulations and guidance that pertains to lead-based paint and lead-based paint activities.

(d) Most current lead-based paint inspection methods, including the selection of rooms and components for sampling or testing.*

(e) Documented paint, dust, and soil sampling methodologies.*

(f) Clearance standards and testing, including random sampling.*

(g) Preparation of the final inspection report.*

(h) Recordkeeping.

An asterisk (*) indicates areas that require hands-on activities as an integral component of the course.

R 325.9906 Risk assessor training course curriculum requirements.

Rule 6. To become accredited to offer the lead risk assessor course, a training program shall ensure that its course of study includes, at a minimum, all the following course topics:

- (a) The role and responsibilities of a risk assessor.
- (b) The collection of background information to perform a risk assessment.
- (c) Sources of environmental lead contamination such as paint, surface dust, soil, water, air, packaging, and food.
- (d) Visual inspection for the purposes of identifying potential sources of lead-based paint hazards.*
- (e) Lead hazard screen protocol.
- (f) Most current sampling methods for other sources of lead exposure.*
- (g) The interpretation of lead-based paint and other lead sampling results, including all applicable state or federal guidance or regulations pertaining to lead-based paint hazards.*
- (h) The development of lead hazard control options, the role of interim controls, and operations and maintenance activities to reduce lead-based paint hazards.
- (i) Preparation of a final risk assessment report.*

An asterisk (*) indicates areas that require hands-on activities as an integral component of the course.

R 325.9907 Supervisor training course curriculum requirements.

Rule 7. To become accredited to offer the lead supervisor course, a training program shall ensure that its course of study includes, at a minimum, all of the following course topics:

- (a) The role and responsibilities of a supervisor.
- (b) Background information on lead and its

adverse health effects.

(c) Background information on federal, state, and local regulations and guidance that pertains to lead-based paint abatement.

(d) Liability and insurance issues relating to lead-based paint abatement.

(e) Risk assessment and inspection report interpretation.*

(f) The development and implementation of an occupant protection plan and abatement report.*

(g) Lead-based paint hazard recognition and control.*

(h) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.*

(i) Interior dust abatement/cleanup or lead-based paint hazard control and reduction methods.*

(j) Soil and exterior dust abatement or lead-based paint hazard control and reduction methods.*

(k) Clearance standards and testing.

(l) Cleanup and waste disposal.

(m) Recordkeeping.

(n) Lead exposure in construction standard, R325.51991 and R 325.51992.

An asterisk (*) indicates areas that require hands-on activities as an integral component of the course.

R 325.9908 Project designer training course curriculum requirements.

Rule 8. To become accredited to offer the lead project designer course, a training program shall ensure that its course of study includes, at a minimum, all of the following topics:

(a) The role and responsibilities of a project designer.

(b) The development and implementation of an occupant protection plan for large-scale abatement projects.*

(c) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices for large-scale abatement projects.

(d) Interior dust abatement/cleanup or lead hazard control and reduction methods for large-scale abatement projects.

(e) Clearance standards and testing for large-scale abatement projects.

(f) Integration of lead-based paint abatement methods with modernization and rehabilitation projects for large-scale abatement projects.
An asterisk (*) indicates areas that require hands-on activities as an integral component of the course.

R 325.9909 Abatement worker training course curriculum requirements.

Rule 9. To become accredited to offer the lead abatement worker course, a training program shall ensure that its course of study includes, at a minimum, all of the following course topics:

(a) The role and responsibilities of an abatement worker.

(b) Background information on lead and its adverse health effects.

(c) Background information on federal, state, and local regulations and guidance that pertain to lead-based paint abatement.

(d) Lead-based paint hazard recognition and control.*

(e) Lead-based paint abatement and lead-based paint hazard reduction methods, including restricted practices.*

(f) Interior dust abatement methods/cleanup or lead-based paint hazard reduction.*

(g) Soil and exterior dust abatement methods or lead-based paint hazard reduction.*

(h) Lead exposure in construction standard, R325.51991 and R325.51992.

An asterisk (*) indicates areas that require hands-on activities as an integral component of the course.

R 325.9910 Requirements for accreditation of refresher training.

Rule 10. (1) Each refresher course shall review the curriculum topics of the initial courses in these rules or other pertinent rules promulgated by the department. In addition, to become accredited to offer a refresher training course, a training program shall ensure that its course of study includes, at a minimum, all of the following:

(a) An overview of current safety practices relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(b) Current laws and regulations relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(c) Current technologies relating to lead-based paint activities in general, as well as specific information pertaining to the appropriate discipline.

(2) Each refresher course, except for the project designer course, shall last a minimum of 8 training hours. The project designer refresher course shall last a minimum of 4 training hours. The supervisor and project designer refresher courses may be conducted concurrently if the materials for each are adequately covered. For each course offered, the

training program shall conduct a hands-on assessment and, at the completion of the course, a course test.

(3) A training program's application for accreditation of the refresher course shall include all of the following information:

- (a) A copy of the student and instructor manuals to be used for each course.
- (b) A copy of the course agenda for each course.
- (c) A description of the facilities and equipment to be used for lectures and hands-on training.
- (d) A copy of the course test blueprint for each course.
- (e) A description of the activities and procedures that shall be used for conducting the assessment of hands-on skills for each course, if applicable.
- (f) A copy of the quality control plan as described in R 325.9904.

(4) A training program seeking accreditation to offer only refresher training courses shall submit a written application to the department. The application shall contain all of the following information:

- (a) The refresher training program's name, address, and telephone number.
- (b) A list of courses for which the program is applying for accreditation.
- (c) A statement signed by the training program manager certifying that the refresher training program meets the minimum requirements established in this rule.
- (5) A training program may apply for accreditation of a refresher course concurrently with its application for accreditation of the corresponding initial training course.

R 325.9911 Reaccreditation of training program.

Rule 11. A training program seeking reaccreditation shall submit an application not less than 45 days before the expiration date of the previous year's accreditation. The application shall contain the fee required in section 5471 of the lead abatement act and all of the following information:

- (a) The training program's name, address, and telephone number.
- (b) A list of courses for which the program is applying for reaccreditation.
- (c) A description of any changes to the training facility, equipment, course materials, or instructors since the program's last application was approved.
- (d) A statement signed by the program manager stating both of the following:
 - (i) The training program complies at all times

with the requirements in sections 5462, 5463, and 5464 of the lead abatement act.

(ii) The recordkeeping and reporting requirements of section 5467 of the lead abatement act shall be followed.

R 325.9912 Work practice standards for conducting lead-based paint activities; adoption by reference of documented methodologies.

Rule 12. (1) Only a certified individual may perform any of the following lead-based paint activities:

- (a) An inspection.
- (b) A lead-hazard screen.
- (c) A risk assessment.
- (d) An abatement.

A certified individual shall perform an activity specified in this subrule in accordance with the appropriate requirements and shall use documented methodologies.

(2) The following documented methodologies are appropriate for the activities specified in subrule (1) of this rule and are adopted by reference in these rules:

- (a) The United States department of housing and urban development (HUD) guidelines for the evaluation and control of lead-based paint hazards in housing.
- (b) The environmental protection agency's (EPA) publication entitled "Guidance on Residential Lead-Based Paint, Lead-Contaminated Dust, and Lead-Contaminated Soil."

(c) The EPA's publication entitled "Residential Sampling for Lead: Protocols for Dust and Soil Sampling," report number EPA 747-R-95-001. A copy of these guidelines may be inspected at or obtained from the Michigan Department of Community Health, Lead Remediation Program, 1001 Terminal Drive, Lansing, Michigan 48906; from EPA Region 5, Toxic Program Section, 77 West Jackson Blvd., DT8J, Chicago, Illinois 60604,(312)886-3489, or from HUD USER, P.O. Box 6091, Rockville, Maryland 20849.

(3) An appropriate certified lead professional shall conduct any paint, dust, or soil sampling or testing as part of an activity described in subrule(1) of this rule. The certified professional shall use documented methodologies that incorporate adequate quality control procedures. Composite dust or paint samples are not permitted.

(4) A laboratory recognized by the EPA as capable of performing analyses for lead compounds in the applicable matrix shall analyze any paint chip, dust, or soil samples collected as

part of an activity described in subrule (1) of this rule to determine if the samples contain detectable levels of lead that can be quantified numerically.

(5) Acceptable lead-contaminated dust levels shall be the same levels as the clearance levels published by the department.

(6) The department shall publish acceptable lead-contaminated soil levels as necessary for compliance with EPA requirements.

R 325.9913 Clearance levels.

Rule 13. The department shall publish clearance levels established for the completion of abatement activities as necessary to comply with corresponding levels established by the EPA.

R 325.9914 Lead inspection.

Rule 14. (1) Only a person certified by the department as an inspector or risk assessor shall conduct an inspection. The inspector or risk assessor shall conduct the inspection according to the procedures in this rule.

(2) When conducting an inspection, an inspector or risk assessor shall select the following locations according to documented methodologies and shall test the locations for the presence of lead-based paint:

(a) Each interior and exterior component that has a distinct painting history shall be tested for lead-based paint, except for components that the inspector or risk assessor determines have been replaced after 1978 or do not contain lead-based paint.

(b) In a multifamily dwelling or child-occupied facility, each component that has a distinct painting history in every common area, except for components that the inspector or risk assessor determines have been replaced after 1978 or do not contain lead-based paint.

(3) The certified inspector or risk assessor shall prepare an inspection report. The report shall include all of the following information:

- (a) Date of each inspection.
- (b) Address of building.
- (c) Date of construction.
- (d) Apartment numbers, if applicable.
- (e) Name, address, and telephone number of the owner or owners.
- (f) Name, signature, and certification number of each certified inspector or risk assessor, or both, conducting testing.
- (g) Name, address, and telephone number of the certified person employing each inspector or risk assessor, or both, if applicable.

(h) Each testing method and device and sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any x-ray fluorescence device.

(i) Specific locations of each painted component tested for the presence of lead-based paint.

(j) The results of the inspection expressed in terms appropriate to the sampling method used.

R 325.9915 Lead hazard screen.

Rule 15. (1) Only a person certified by the department as a risk assessor shall conduct a lead hazard screen.

(2) A risk assessor shall conduct a lead hazard screen as follows:

(a) The risk assessor shall collect background information regarding the physical characteristics of the building, residential dwelling, or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to 1 or more children age 6 years and under.

(b) The risk assessor shall conduct a visual inspection of the building, residential dwelling, or child-occupied facility to determine if any deteriorated paint is present and to locate not less than 2 dust sampling locations.

(c) If deteriorated paint is present, then the risk assessor shall test for the presence of lead for each surface that is determined, using documented methodologies, to be in poor condition and to have a distinct painting history.

(d) In residential dwellings, a risk assessor shall collect 2 dust samples, 1 from the floors and the other from the windows, in rooms, hallways, or stairwells where 1 or more children, age 6 and under, are most likely to come in contact with dust.

(e) In multifamily dwellings and child-occupied facilities, in addition to the floor and window samples required in subdivision (d) of this subrule, the risk assessor shall also collect dust samples from common areas where 1 or more children, age 6 and under, are most likely to come into contact with dust.

(3) The risk assessor shall prepare a lead hazard screen report. The report shall include all of the following information:

- (a) Date of assessment.
- (b) Address of each building.
- (c) Date of construction of buildings.
- (d) Apartment number, if applicable.
- (e) Name, address, and telephone number of each owner of each building.
- (f) Name, signature, and certification of the certified risk assessor conducting the assessment.
- (g) Name, address, and telephone number of the

certified person employing each certified risk assessor, if applicable.

(h) Name, address, and telephone number of each recognized laboratory analyzing collected samples.

(i) Results of the visual inspection.

(j) Testing method and sampling procedure for the paint analysis employed.

(k) Specific location of each painted component tested for the presence of lead.

(l) All data collected from on-site testing, including quality control data, and, if used, the serial number of any x-ray fluorescence device.

(m) All results of laboratory analyses on collected paint, soil, and dust samples.

(n) Any other sampling results.

(o) Background information regarding the physical characteristics of the building, residential dwelling, or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to 1 or more children age 6 years and under.

(p) Recommendations, if warranted, for a follow-up risk assessment and, as appropriate, any further actions.

R 325.9916 Risk assessment.

Rule 16. (1) Only a person certified by the department as a risk assessor shall conduct a risk assessment. A risk assessor shall conduct a risk assessment according to the procedures in this rule.

(2) The risk assessor shall make a visual inspection for risk assessment of a residential dwelling or child-occupied facility to locate the existence of deteriorated paint, assess the extent and causes of the deterioration, and evaluate other potential lead-based paint hazards.

(3) The risk assessor shall collect background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to 1 or more children age 6 years and under.

(4) The risk assessor shall test each surface that has deteriorated paint for the presence of lead if the surface is determined to be in poor condition, using documented methodologies, and to have a distinct painting history. A risk assessor shall also test any other surface for the presence of lead if the surface is determined to be a potential lead-based paint hazard, using documented methodologies, and to have a distinct painting history.

(5) In residential dwellings, the risk assessor

shall collect dust samples from the window and floor in all living areas where 1 or more children, age 6 and under, are most likely to come into contact with dust.

(6) For multifamily dwellings and child-occupied facilities, the risk assessor shall collect the samples required in subrule (4) of this rule. In addition, a risk assessor shall collect window and floor dust samples in the following locations:

(a) Common areas adjacent to the sampled residential dwelling or child-occupied facility.

(b) Other common areas in the building where the risk assessor determines that 1 or more children, age 6 and under, are likely to come into contact with dust.

(7) For child-occupied facilities, the risk assessor shall collect window and floor dust samples in each room, hallway, or stairwell utilized by 1 or more children, age 6 and under, and in other common areas in the child-occupied facility where the risk assessor determines 1 or more children, age 6 and under, are likely to come into contact with dust.

(8) The risk assessor shall collect soil samples and have the samples analyzed for lead concentrations in the following locations:

(a) Exterior play areas where bare soil is present.

(b) Dripline/foundation areas where bare soil is present.

(9) A certified risk assessor shall prepare a risk assessment report. The report shall include all of the following information:

(a) Date of assessment.

(b) Address of each building.

(c) Date of construction of buildings.

(d) Apartment number, if applicable.

(e) Name, address, and telephone number of each owner of each building.

(f) Name, signature, and certification of the certified risk assessor conducting the assessment.

(g) Name, address, and telephone number of the certified person employing each certified risk assessor, if applicable.

(h) Name, address, and telephone number of each recognized laboratory conducting analyses of collected samples.

(i) Results of the visual inspection.

(j) Testing method and sampling procedure for the paint analysis employed.

(k) Specific location of each painted component tested for the presence of lead.

(l) All data collected from on-site testing, including quality control data, and, if used, the serial number of any x-ray fluorescence device.

(m) All results of laboratory analysis on collected paint, soil, and dust samples.

(n) Any other sampling results.

(o) Any background information collected under subrule (3) of this rule.

(p) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint or other assessments of lead-based paint-related hazards.

(q) A description of the location, type, and severity of identified lead-based paint hazards and any other potential lead hazards.

(r) A description of interim controls or abatement options, or both, for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, then the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

R 325.9917 Abatement.

Rule 17. (1) Only an individual certified by the department shall conduct abatement activities as defined in the lead abatement act. The certified individual shall conduct abatement activities according to the procedures in this rule.

(2) A certified supervisor is required for each abatement project and shall be at the site during all abatement work.

(3) The certified supervisor and the certified person employing the supervisor shall ensure that all abatement activities are conducted according to the requirements of this rule and all other federal, state, and local requirements.

(4) A certified supervisor or project designer shall develop a written occupant protection plan for all abatement projects according to the following procedures:

(a) The occupant protection plan shall be specific to each residential dwelling or child-occupied facility and be developed before the abatement.

(b) The occupant protection plan shall describe the measures and management procedures that shall be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

(5) The certified supervisor shall ensure that all of the following work practices are restricted during abatement activities as follows:

(a) Open-flame burning or torching of lead-based paint is prohibited.

(b) Machine sanding or grinding or abrasive blasting and sandblasting of lead-based paint is prohibited, unless the sanding, grinding, blasting, or sandblasting is conducted using high-efficiency particulate air (HEPA) exhaust control that

removes particles of 0.3 microns or larger from the air at an efficiency of 99.97% or more.

(c) Dry scraping of lead-based paint is permitted only in conjunction with heat guns or around electrical outlets or when treating defective paint spots totaling not more than 2 square feet in any 1 room, hallway, or stairwell or totaling not more than 20 square feet on exterior surfaces.

(d) Operating a heat gun on lead-based paint is permitted only if the temperature generated by the heat gun is less than 1100 degrees Fahrenheit.

(6) If soil abatement is conducted, the contractor shall perform the abatement in either of the following ways:

(a) If soil is removed, replace the lead-contaminated soil with soil that is not lead-contaminated.

(b) If soil is not removed, the contractor shall permanently cover, as defined in section 5459 of the lead abatement act, the lead-contaminated soil.

(7) If abatement involves encapsulation, then the contractor shall perform the encapsulation using an encapsulant approved by the department and shall apply encapsulant in accordance with the manufacturer's instructions.

(8) Only a certified inspector or risk assessor shall perform the following post-abatement clearance procedures:

(a) A visual inspection to determine if deteriorated painted surfaces or visible amounts of dust, debris, or residue are still present. If deteriorated painted surfaces or visible amounts of dust, debris, or residue are present, then the contractor shall eliminate the conditions before continuing the clearance procedures.

(b) After the visual inspection and any post-abatement cleanup required by subdivision (a) of this subrule, an independent risk assessor shall conduct clearance lead sampling for lead-contaminated dust. Post-abatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in or to the residential dwelling or child-occupied facility. All of the following provisions apply to post-abatement clearance sampling:

(i) After conducting an abatement with containment between abated and unabated areas, the risk assessor shall take 1 dust sample from 1 window, if available, and 1 dust sample from the floor of not less than 4 rooms, hallways, or stairwells within the containment area. In addition, the risk assessor shall take 1 dust sample from the floor outside the containment area. If there are less than 4 rooms, hallways, or stairwells within the containment area, then the risk assessor shall

sample all rooms, hallways, or stairwells.

(ii) After conducting an abatement with no containment, the risk assessor shall take 2 dust samples from not less than 4 rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. The risk assessor shall take 1 dust sample from 1 window, if available, and 1 dust sample from the floor of each room, hallway, or stairwell selected. If there are less than 4 rooms, hallways, or stairwells within the residential dwelling or child-occupied facility, then the risk assessor shall sample all rooms, hallways, or stairwells.

(iii) The risk assessor shall take dust samples for clearance purposes using documented methodologies that incorporate adequate quality control procedures.

(iv) The risk assessor shall take dust samples for clearance purposes a minimum of 1 hour after completion of final post-abatement cleanup activities.

(c) The risk assessor shall select the rooms, hallways, or stairwells for sampling according to documented methodologies.

(d) The certified inspector or risk assessor shall compare the residual lead level, as determined by the laboratory analysis, from each dust sample with applicable clearance levels for lead in dust on floors and windows. If the residual lead levels in a dust sample exceed the clearance levels, then the contractor shall clean, and the risk assessor shall retest all the components represented by the failed sample until clearance levels are met.

(e) Immediately following an exterior paint abatement, the certified supervisor shall conduct a visual inspection of all horizontal surfaces in the outdoor living area closest to the abated surfaces to ensure that visible dust and debris have been removed. In addition, the supervisor shall conduct a visual inspection to determine the presence of paint chips on the dripline or next to the foundation below any exterior surface abated. If paint chips are present, the contractor shall remove the chips from the site and properly dispose of the chips according to all applicable federal, state, and local requirements.

(f) In a multifamily dwelling that has similarly constructed and maintained residential dwellings, a certified inspector or risk assessor may conduct random sampling for the purposes of clearance only if all of the following provisions are satisfied:

(i) The certified individuals who abate or clean the residential dwellings do not know which residential dwelling will be selected for the random samples.

(ii) A sufficient number of residential dwellings are selected for dust sampling to provide a 95% level of confidence that not more than 5% or 50 of the residential dwellings, whichever is smaller, in the randomly sampled population exceed the appropriate clearance levels.

(iii) The randomly selected residential dwellings are sampled and evaluated for clearance according to the procedures in this subrule.

(9) A certified supervisor or project designer shall prepare an abatement report at the completion of each abatement activity. The abatement report shall include all of the following information:

(a) Start and completion dates of abatement.

(b) The name and address of each certified person conducting the abatement and the name of each supervisor assigned to the abatement project.

(c) The occupant protection plan prepared under subrule (4) of this rule.

(d) The name, address, and signature of each certified risk assessor or inspector conducting clearance sampling and the date of clearance testing.

(e) The results of clearance testing and all soil analyses, if applicable, and the name of each recognized laboratory that conducted the analyses.

(f) A detailed written description of the abatement, including all of the following:

(i) Abatement methods used.

(ii) Locations of rooms and components where abatement occurred.

(iii) Reason for selecting particular abatement methods for each component.

(iv) Any suggested monitoring of encapsulants or enclosures.

R 325.9918 Lead professional certification requirements for inspector, risk assessor, supervisor, and abatement worker.

Rule 18. (1) Individuals seeking certification or recertification under section 5468 of the lead abatement act shall meet the following requirements:

(a) For an inspector, successfully complete an accredited training course for inspectors and pass the third party examination for inspectors within 6 months of course completion. Additional experience or education is not required.

(b) For a risk assessor, both of the following requirements:

(i) Successfully complete an accredited training course for both an inspector and a risk assessor and pass the third party examinations for both inspector and risk assessor within 6 months of course completion.

(ii) Possess a bachelor's degree, and have 1 year of experience, in a related field, for example, lead, asbestos, environmental remediation work, or construction; or possess an associates degree, and have not less than 2 years of experience, in a related field, for example, lead, asbestos, environmental remediation work, or construction; or be certified as an industrial hygienist, professional engineer, or registered architect or be certified in a related engineering/health/environmental field; or possess a high school diploma or equivalent and have not less than 3 years of experience in a related field, for example lead, asbestos, environmental remediation work, or construction.

(c) For a supervisor, both of the following requirements:

(i) Successfully complete an accredited training course for supervisors and pass the third party examination for supervisors within 6 months of course completion.

(ii) Have 1 year of experience as a certified lead-based paint abatement worker or not less than 2 years of experience in a related field, for example, lead, asbestos, environmental remediation work, or construction, or in the building trades.

(d) For an abatement worker, successfully complete an accredited training course for lead abatement workers and pass the third party examination for abatement workers within 6 months of course completion. Additional experience or education is not required.

(2) The department recognizes the following documents as evidence of meeting the requirements specified in this rule:

(a) Official academic transcripts or diploma as evidence of meeting the education requirements.

(b) Resumes, letters of reference, or documentation of work experience as evidence of meeting the work experience requirements.

(c) Course completion certificates from lead-specific or other related training courses issued by accredited training programs as evidence of meeting the training requirements.

(3) To take the third party examination for a particular discipline, an individual shall comply with both of the following requirements:

(a) Successfully complete an accredited course in the appropriate discipline and receive a course completion certificate from an accredited training program.

(b) Meet or exceed the education and experience requirements of this rule.

(4) An individual may to take the third party examination not more than 3 times within the 6-

month period following course completion.

(5) An individual who fails to pass the third party examination 3 times within the 6-month period shall retake the appropriate course from an accredited training program before reapplying for certification from the department.

R 325.9919 Lead professional certification requirements for project designer.

Rule 19. (1) An individual seeking certification or recertification by the department as a project designer shall successfully complete a project designer course, receive a course completion certificate from an accredited training program, and meet both of the following requirements:

(a) Have 4 years of experience in building construction and design or a related field or possess a bachelor's degree in engineering, architecture, or a related profession and have 1 year of experience in building construction and design or a related field.

(b) Successfully complete an accredited training course for supervisors.

(2) The department shall recognize the following documents as evidence of meeting the requirements specified in this rule:

(a) Official academic transcripts or diploma as evidence of meeting the education requirements.

(b) Resumes, letters of reference, or documentation of work experience as evidence of meeting the work experience requirements.

(c) Course completion certificates from lead-specific or other related training courses issued by accredited training programs as evidence of meeting the training requirements.

R 325.9920 Certification based on prior training.

Rule 20. (1) An individual who received training in a lead-based paint activity between October 1, 1990, and March 1, 1999, or an individual who has received lead-based paint activities training at an EPA-authorized accredited training program is eligible for certification by the department if the individual satisfies all of the following provisions:

(a) Provides documentation that the original training was equivalent in length and content to the corresponding discipline described in section 5463 of the lead abatement act.

(b) Meets the education and experience requirements of the discipline for which he or she desires certification as described in these rules.

(c) Passes the third party examination for the discipline for which he or she desires certification within 6 months of completing the appropriate

course. This rule does not apply to the project designer discipline.

(2) If the original training was completed more than 6 months before an individual applied to the department for certification, then the individual shall take the appropriate refresher course before being able to take the third party examination.

R 325.9921 Recordkeeping.

Rule 21. (1) A person who is certified by the department under the lead abatement act and these rules shall maintain all records required by the act and these rules for not less than 3 years.

(2) Training programs shall maintain training-related records for a minimum of 3 1/2 years, including, but not limited to, all of the following records:

(a) All information in the application for certification of a course.

(b) Notifications of course schedules.

(c) Course participant information.

(d) Examination results.

(e) Copies of the certificates issued.

(3) The certified person or individual who prepared a report or plan required by these rules shall maintain the report or plan for not less than 3 years. The certified person or individual shall also provide copies of the report to the building owner who contracted for the person's or individual's services.

R 325.9922 Notifications.

Rule 22. (1) Not less than 7 calendar days before commencing abatement activity, a person or individual who conducts lead abatement activities shall notify the department, on forms provided by the department, regarding information the department considers necessary to conduct an unannounced site inspection, including schedule changes. The department shall approve emergency notification that is less than 7 calendar days in the following situations:

(a) In the case of a court-ordered abatement.

(b) In other cases where the department deems it necessary to waive the 7-calendar-day requirement to protect the health and safety of the public.

(c) In the case of an unavoidable change in the commencement of abatement activity that occurs less than 7 days before the activity begins.

(2) A person or individual who conducts lead abatement activities shall not provide, in any case, the notification specified in subrule (1) of this rule less than 24 hours before commencing the abatement activities.

(3) A person or individual who provides emergency notification shall receive confirmation of departmental approval of the emergency notification before initiating the activity.

(4) A person or individual who conducts an inspection, risk assessment, or lead-hazard screen shall notify the department, on forms provided by the department, regarding information the department considers necessary, by the fifteenth day of the month following the inspection, risk assessment, or lead-hazard screen activities.

(5) Not less than 7 calendar days before commencing training, a training program that conducts lead training courses in any of the disciplines listed in section 5462 of the lead abatement act, whether the courses are initial or refresher, shall notify the department, on forms provided by the department, regarding information the department considers necessary to conduct an unannounced site inspection. A training program shall also notify the department within 10 calendar days after a course is completed, on forms provided by the department, of the names of course participants and other information the department deems necessary. Training programs shall notify the department not less than 24 hours in advance of a course cancellation.

R 325.9923 Conflict of interest.

Rule 23. (1) A person shall provide a written disclosure to a client of any affiliation between the person who conducts the inspection, risk assessment, or lead hazard screen and the person or persons, who conduct the abatement on the same property.

(2) Only an accredited inspector or risk assessor who is completely independent of the person or persons who conducted the abatement may conduct clearance testing after abatement activities.

R 325.9924 Annual fees and recertification.

Rule 24. (1) In accordance with the lead abatement act, a training program seeking to maintain accreditation to offer courses in lead-based paint activities shall annually submit to the department, on forms provided by the department, all required information and pay the appropriate fee or fees. The training program's accreditation shall not expire during the department's review or audit of a timely and sufficient reaccreditation application.

(2) In accordance with the lead abatement act, an individual or person seeking to maintain certification to engage in lead-based paint activities

shall annually submit to the department, on forms provided by the department, all required information and pay the appropriate fee or fees.

(3) An individual seeking to maintain certification to engage in lead-based paint activities shall recertify with the department every 3 years in accordance with the requirements of section 5468 of the lead abatement act and these rules.

R 325.9925 Enforcement actions.

Rule 25. (1) The department shall comply with Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws when taking enforcement actions under the authority of the lead abatement act and these rules.

(2) Not later than 15 working days after receipt of a citation issued under section 5476 of the lead abatement act, a person who is alleged to have violated the lead abatement act or these rules may appeal the alleged violation by petitioning for an administrative hearing. The department shall conduct an administrative hearing in accordance with Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws. A citation and associated administrative fine become final if the department does not receive a petition for an administrative hearing within the time specified in this subrule.